

noted that Court packing was a “bonehead idea” and “a terrible, terrible mistake” that “put in question for an entire decade the independence of the most significant body—including the Congress, in my view—the most significant body in this country, the Supreme Court of the United States of America”;

Whereas, in 2005 during a speech on the Senate floor, then-Senator Joe Biden praised members of the Democrat Party for their “act of courage” in opposing the Court-packing plan of President Roosevelt, which he described as a “power grab”;

Whereas, in 2019, the late Justice Ruth Bader Ginsburg stated, “I think it was a bad idea when President Franklin Roosevelt tried to pack the Court”, and that “if anything would make the Court look partisan, it would be that”;

Whereas, in 2021, Justice Stephen Breyer urged supporters of court packing to “think long and hard” about undermining the independence of the court, noting that it is imperative the public “trust that the court is guided by legal principle, not politics” and that “structural alteration motivated by the perception of political influence can only feed that latter perception, further eroding that trust”;

Whereas the Constitution of the United States is based on the principle of separation of powers to provide for checks and balances on each branch of the Federal Government and expanding the Supreme Court of the United States purely for political advantage threatens the separation of powers and the system of checks and balances established in the Constitution of the United States;

Whereas the Federal judiciary is insulated from political influence through lifetime appointments and other measures to preserve its independence and an attempt to expand the Supreme Court of the United States purely for political purposes threatens the independence and integrity of the Supreme Court and, thus, the entirety of the judiciary it oversees; and

Whereas any attempt to increase the number of justices of the Supreme Court of the United States or “pack the Court” would undermine the democratic institutions and destroy the credibility of the highest court in the United States: Now, therefore, be it

Resolved, That the Senate opposes any attempt to increase the number of justices of the Supreme Court of the United States or otherwise pack the Court.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1445. Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) proposed an amendment to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes.

SA 1446. Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill S. 937, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1445. Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) proposed an amendment to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; as follows:

Strike all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the “COVID-19 Hate Crimes Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Following the spread of COVID-19 in 2020, there has been a dramatic increase in hate crimes and violence against Asian-Americans and Pacific Islanders.

(2) According to a recent report, there were nearly 3,800 reported cases of anti-Asian discrimination and incidents related to COVID-19 between March 19, 2020, and February 28, 2021, in all 50 States and the District of Columbia.

(3) During this time frame, race has been cited as the primary reason for discrimination, making up over 90 percent of incidents, and the United States condemns and denounces any and all anti-Asian and Pacific Islander sentiment in any form.

(4) Roughly 36 percent of these incidents took place at a business and more than 2,000,000 Asian-American businesses have contributed to the diverse fabric of American life.

(5) More than 1,900,000 Asian-American and Pacific Islander older adults, particularly those older adults who are recent immigrants or have limited English proficiency, may face even greater challenges in dealing with the COVID-19 pandemic, including discrimination, economic insecurity, and language isolation.

(6) In the midst of this alarming surge in anti-Asian hate crimes and incidents, a shooter murdered the following 8 people in the Atlanta, Georgia region, 7 of whom were women and 6 of whom were women of Asian descent:

- (A) Xiaojie Tan.
- (B) Daoyou Feng.
- (C) Delaina Ashley Yaun González.
- (D) Paul Andre Michels.
- (E) Soon Chung Park.
- (F) Hyun Jung Grant.
- (G) Suncha Kim.
- (H) Yong Ae Yue.

(7) The people of the United States will always remember the victims of these shootings and stand in solidarity with those affected by this senseless tragedy and incidents of hate that have affected the Asian and Pacific Islander communities.

SEC. 3. REVIEW OF HATE CRIMES.

(a) **IN GENERAL.**—Not later than 7 days after the date of enactment of this Act, the Attorney General shall designate an officer or employee of the Department of Justice whose responsibility during the applicable period shall be to facilitate the expedited review of hate crimes (as described in section 249 of title 18, United States Code) and reports of any such crime to Federal, State, local, or Tribal law enforcement agencies.

(b) **APPLICABLE PERIOD DEFINED.**—In this section, the term “applicable period” means the period beginning on the date on which the officer or employee is designated under subsection (a), and ending on the date that is 1 year after the date on which the emergency period described in subparagraph (B) of section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)) ends, except that the Attorney General may extend such period as appropriate.

SEC. 4. GUIDANCE.

(a) **GUIDANCE FOR LAW ENFORCEMENT AGENCIES.**—The Attorney General shall issue guidance for State, local, and Tribal law enforcement agencies, pursuant to this Act and other applicable law, on how to—

(1) establish online reporting of hate crimes or incidents, and to have online reporting that is equally effective for people with disabilities as for people without disabilities available in multiple languages as determined by the Attorney General;

(2) collect data disaggregated by the protected characteristics described in section 249 of title 18, United States Code; and

(3) expand public education campaigns aimed at raising awareness of hate crimes and reaching victims, that are equally effective for people with disabilities as for people without disabilities.

(b) **GUIDANCE RELATING TO COVID-19 PANDEMIC.**—The Attorney General and the Secretary of Health and Human Services, in coordination with the COVID-19 Health Equity Task Force and community-based organizations, shall issue guidance aimed at raising awareness of hate crimes during the COVID-19 pandemic.

SEC. 5. JABARA-HEYER NO HATE ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2021” or the “Jabara-Heyer NO HATE Act”.

(b) **FINDINGS.**—Congress finds the following:

(1) The incidence of violence known as hate crimes, or crimes motivated by bias, poses a serious national problem.

(2) According to data obtained by the Federal Bureau of Investigation, the incidence of such violence increased in 2019, the most recent year for which data is available.

(3) In 1990, Congress enacted the Hate Crime Statistics Act (Public Law 101-275; 28 U.S.C. 534 note) to provide the Federal Government, law enforcement agencies, and the public with data regarding the incidence of hate crime. The Hate Crime Statistics Act and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (division E of Public Law 111-84; 123 Stat. 2835) have enabled Federal authorities to understand and, where appropriate, investigate and prosecute hate crimes.

(4) A more complete understanding of the national problem posed by hate crime is in the public interest and supports the Federal interest in eradicating bias-motivated violence referenced in section 249(b)(1)(C) of title 18, United States Code.

(5) However, a complete understanding of the national problem posed by hate crimes is hindered by incomplete data from Federal, State, and local jurisdictions through the Uniform Crime Reports program authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation.

(6) Multiple factors contribute to the provision of inaccurate and incomplete data regarding the incidence of hate crime through the Uniform Crime Reports program. A significant contributing factor is the quality and quantity of training that State and local law enforcement agencies receive on the identification and reporting of suspected bias-motivated crimes.

(7) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal financial assistance to States and local jurisdictions.

(8) Federal financial assistance with regard to certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(c) **DEFINITIONS.**—In this section:

(1) **HATE CRIME.**—The term “hate crime” means an act described in section 245, 247, or 249 of title 18, United States Code, or in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631).

(2) **PRIORITY AGENCY.**—The term “priority agency” means—

(A) a law enforcement agency of a unit of local government that serves a population of not less than 100,000, as computed by the Federal Bureau of Investigation; or

(B) a law enforcement agency of a unit of local government that—